## **Order Type:**

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

MWD

**Small Business:** 

No

**Location(s) Where Violation(s) Occurred:** 

Lagoon WWTP, located 4,500 feet northeast of the intersection of Farm-to-Market ("FM")

Road 73 and FM Road 1951, Limestone County

**Type of Operation:** 

Wastewater treatment plant

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 15, 2012

Comments Received: No

# Penalty Information

**Total Penalty Assessed:** \$19,146

**Amount Deferred for Expedited Settlement:** \$3,829 **Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$15,317

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Average Site/RN - Average

Major Source: No

**Statutory Limit Adjustment:** N/A

Applicable Penalty Policy: September 2002 and September 2011

# **Investigation Information**

**Complaint Date(s):** N/A **Complaint Information**: N/A

Date(s) of Investigation: November 3, 2011

Date(s) of NOE(s): December 22, 2011

## Violation Information

- 1. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the audio-visual alarm system at the lift station was not functional [30 Tex. Admin. Code § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014751001, Operational Requirements No. 1].
- 2. Failed to have an effective flow measuring device. Specifically, the Respondent was monitoring flow based on visual estimation of the water depth flowing from the end of the outfall pipe. The Facility has a rectangular weir, but does not have a staff gauge or a flow meter [30 Tex. Admin. Code § 319.11(c) and (d) and TPDES Permit No. WQ0014751001, Operational Requirements No. 5].
- 3. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2011 through September 30, 2011, were not submitted by the 20th day of the following month [30 Tex. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 1].
- 4. Failed to make records readily available for review by TCEQ staff [30 Tex. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 3.b.].
- 5. Failed to maintain management records for all sludge removed from any wastewater treatment process [30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014751001, Operational Requirements No. 11.f].
- 6. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, vegetation was growing in the sludge drying beds [30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0014751001, Operational Requirements No. 1].
- 7. Failed to submit the annual sludge report for the monitoring period ending July 31, 2011, by September 30, 2011 [30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0014751001, Sludge Provisions].

- 8. Failed to employ or contract with a licensed operator. Specifically, the operator's wastewater license expired on March 25, 2010, and he was operating the Facility [30 Tex. Admin. Code §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0014751001, Other Requirements No. 1].
- 9. Failed to maintain compliance with permitted effluent limitations for 5-day biochemical oxygen demand [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014751001, Effluent Limitations and Monitoring Requirements No. 1].

# Corrective Actions/Technical Requirements

## **Corrective Action(s) Completed:**

By January 19, 2012, the Respondent implemented the following corrective measures at the Facility:

- a. Installed an audio-visual alarm in the lift station; and
- b. Submitted the DMRs for the monitoring periods ending January 31, 2011 through September 30, 2011, to the TCEQ.

## **Technical Requirements:**

The Order will require Respondent to:

- a. Within 15 days, commence operating the Facility under the direct supervision of a properly licensed operator;
- b. Within 30 days:
- i. Submit written certification of compliance with Ordering Provision a.;
- ii. Update the Facility's operational guidance and conduct employee training to ensure timely submittal of signed and certified monthly DMRs and annual sludge reports, that records of monitoring activities and management records, including inspection records and sludge removal manifests, are properly maintained and retained at the Facility, and that flow is monitored in a manner representative of the monitored activity;
- iii. Properly install a staff gauge or a flow measuring device;
- iv. Remove vegetation from the drying beds; and
- v. Submit the 2011 annual sludge report.

c. Within 45 days, submit certification of compliance with Ordering Provisions b.ii. through b.v.;

d. Within 90 days, submit written certification demonstrating compliance with the effluent limits of TPDES Permit No. WQ0014751001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitation, in accordance with Ordering Provision No. 2.e.

# Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

## **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division,

Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

**TCEQ SEP Coordinator**: N/A

Respondent: The Honorable David Frazier, Mayor, City of Coolidge, P.O. Box 457,

Coolidge, Texas 76635

Respondent's Attorney: N/A

#### Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Assigned 3-Jan-2012 Screening 9-Jan-2012 **EPA Due** PCW 9-Jan-2012 RESPONDENT/FACILITY INFORMATION Respondent City of Coolidge Reg. Ent. Ref. No. RN101919025 Major/Minor Source Minor Facility/Site Region 9-Waco **CASE INFORMATION** Enf./Case ID No. 43339 No. of Violations 3 Docket No. 2012-0152-MWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit Yes Multi-Media Enf. Coordinator Heather Brister EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$4,700 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 75.0% Enhancement Subtotals 2, 3, & 7 Enhancement for six months of self-reported effluent violations, one NOV Notes with same/similar violations, and two orders with denial of liability. Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement\* \$0 Total EB Amounts \*Capped at the Total EB \$ Amount \$1,025 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$8,225 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$8,225 STATUTORY LIMIT ADJUSTMENT \$8,225 Final Assessed Penalty DFFFRRAL 20.0% Reduction Adjustment -\$1,645 Reduces the Final Assessed Penalty by the indicted percentage.

Deferral offered for expedited settlement.

\$6,580

Notes

**PAYABLE PENALTY** 

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent City of Coolidge Case ID No. 43339

Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Compliance History Worksheet

	Component	Number of	Enter Number Here	Adjust.
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	7	35%
	in the second	Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0	0%
	Audits C	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		Ple	ease Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Julie,	Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
e de		Adjustment Per	centage (Sub	total 2) [
(e)	peat Violator (	Adjustment Per	centage (Sub	total 3) [
Cor		ry Person Classification (Subtotal 7)		
	Average Pe	rformer Adjustment Per	centage (Sub	total 7)
Cor	mpliance Histo	ry Summary (1988) and the second seco		Maric His
	Compliance History Notes	Enhancement for six months of self-reported effluent violations, one NOV with violations, and two orders with denial of liability.	same/similar	

Screening Date		PCW
Respondent		on 2 (September 2002)
Case ID No.		ision October 30, 2008
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator	Heather Brister	
Violation Number		ľ
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and Texas Pollutant	
	Discharge Elimination System ("TPDES") Permit No. WQ0014751001, Monitoring	
-	and Reporting Requirements No. 1	
	Entlad to the all culprit manifesing require at the internal checking in the normit	
	Failed to timely submit monitoring results at the intervals specified in the permit, as documented during an investigation conducted on November 3, 2011.	
Violation Description	Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods	
	ending January 31, 2011 through July 31, 2011, were not submitted by the 20th	
	day of the following month as required.	
	Base Penalty	\$10,000
		-
>> Environmental, Proper	ty and Human Health Matrix	
Release	<b>Harm</b> Major Moderate Minor	
OR Actual		
Potential	Percent 0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor x Percent 1%	
	Percent 1%	
Matrix		
Notes	At least 70% of the rule requirement was met.	
<u> </u>		
	Adjustment \$9,900	
-		\$100
	en e	7.00
Violation Events		
Number of V	/iolation Events Number of violation days	
-	daily	
	weekly	
	monthly	
mark only one with an x	quarterly Violation Base Penalty	\$700
With the A	semiannual [1] Semiannual	
	annual <u>iller diribber</u>	
	single event	
		***************************************
	Seven single events are recommended, one for each missing report.	
		Name of the Control o
Good Faith Efforts to Com		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	The Respondent does not meet the good faith criteria for	
	this violation.	
'		
	Violation Subtotal	\$700
Economic Benefit (EB) for	this violation Statutory Limit Test	
Leononnic Denem (ED) for	tino violation Statutory Limit Test	
Estimate	ed EB Amount \$51 Violation Final Penalty Total	\$1,225
	This violation Final Assessed Penalty (adjusted for limits)	\$1,225
	rins violation rinal Assessed Penalty (adjusted for HMITS)	φ1,∠∠3]

Case ID No.	City of Coolidg	e					
.Case 10 No .Reg. Ent. Reference No							
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
Violation No.						5.0	1!
	Thom Cort	Date Required	Einal Nata	V	Interest Sayad	Onetime Costs	EB Amount
Item Description		Date Required	Filial Date	113	Title est Savei	Offerine Costs	EB AIIIVUIIL
Delayed Costs	(				r 12	1	I
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		ļ		0.00	\$0 \$0	\$0	\$0
Engineering/construction		Programme of the second		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	20-Feb-2011	30-Sep-2012	1.61	\$40	n/a	\$40
		To the last after	jia i i iyaa	0.00	\$0	n/a	\$0
Remediation/Disposal	L						
Permit Costs				0.00	\$0	n/a	\$0
				0.91 25 per	\$10 report), to update	n/a n/a e operational guidan the following month	\$10 nce and conduc
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated cos employee tr monitorir operationa sludge remove sludge repor due. Find	It to submit the Draining to ensureing and measurem lactivities are keled manifests are part is submitted by all dates include the	MRs to TCEQ (\$ that DMRs are s ents are proper pt on-site for a p properly maintal September 30 one anticipated d sub	0.91 25 per ubmitt ly cond period o ned an of ever ate of o mitted	\$10 report), to update ed by the 20th of fucted, ensure tha of three years, end d retained at the fly year. Date requestions and the to TCEQ.	n/a e operational guidan the following month t all records of mon sure that inspection Facility, and ensure irred is the date the e date the missing [	\$10  nce and conductor, ensure that itoring and records and that the annuatirst DMR was DMRs were
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated cos employee tr monitorir operationa sludge remove sludge repor due. Find	It to submit the Draining to ensureing and measurem lactivities are keled manifests are part is submitted by all dates include the	MRs to TCEQ (\$ that DMRs are s ents are proper pt on-site for a p properly maintal September 30 one anticipated d sub	0.91 25 per ubmittly cond period oned an of ever ate of of mitted	\$10 report), to update ed by the 20th of fucted, ensure tha of three years, end d retained at the fly year. Date requestion TCEQ.  ng item (except	n/a e operational guidan the following month t all records of mon sure that inspection Facility, and ensure ifred is the date the e date the missing I for one-time avoi	\$10  nce and conduct it, ensure that itoring and records and that the annua first DMR was DMRs were  ded costs)
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Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel aspection/Reporting/Sampling	Estimated cos employee tr monitorir operationa sludge remove sludge repor due. Find	It to submit the Draining to ensureing and measurem lactivities are keled manifests are part is submitted by all dates include the	MRs to TCEQ (\$ that DMRs are s ents are proper pt on-site for a p properly maintal September 30 one anticipated d sub	0.91 25 per ubmittly condocated anof ever ate of conditted  entering 0.00 0.00	\$10  report), to update ed by the 20th of lucted, ensure that of three years, end retained at the lay year. Date requirempliance and that o TCEQ.  ng item (except \$0 \$0 \$0	n/a e operational guidan the following month t all records of mon sure that inspection Facility, and ensure ired is the date the e date the missing I  for one-time avoi \$0 \$0 \$0	\$10  nce and conduct n, ensure that itoring and records and that the annua first DMR was DMRs were  ded costs) \$0
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Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated cos employee tr monitorir operationa sludge remove sludge repor due. Find	It to submit the Draining to ensureing and measurem lactivities are keled manifests are part is submitted by all dates include the	MRs to TCEQ (\$ that DMRs are s ents are proper pt on-site for a p properly maintal September 30 one anticipated d sub	0.91 25 per ubmittly condoeriod one of everate of omitted 0.00 0.00 0.00	\$10 report), to update ed by the 20th of fucted, ensure tha of three years, end d retained at the fixed year. Date requirements of the fuctor	e operational guidan the following month t all records of mon sure that inspection Facility, and ensure lired is the date the e date the missing I  for one-time avoi  \$0  \$0  \$0  \$0  \$0	\$10  nce and conduct, ensure that itoring and records and that the annua first DMR was DMRs were  ded costs)  \$0  \$0  \$0  \$0
Permit Costs Other (as needed)  Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos employee tr monitorir operationa sludge remove sludge repor due. Find	It to submit the Draining to ensureing and measurem lactivities are keled manifests are part is submitted by all dates include the	MRs to TCEQ (\$ that DMRs are s ents are proper pt on-site for a p properly maintal September 30 one anticipated d sub	0.91 25 per ubmitt ly cond or ever ate of committed  enteril 0.00 0.00 0.00 0.00	\$10  report), to update ed by the 20th of fucted, ensure that of three years, end of retained at the lay year. Date requirements and the to TCEQ.  Ingitem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e operational guidan the following month t all records of mon sure that inspection Facility, and ensure ired is the date the e date the missing [  for one-time avoid  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	\$10  Ince and conduct Ince, ensure that Itoring and Irecords and Ithat the annual Iffrst DMR was IDMRs were    \$0   \$0   \$0   \$0   \$0   \$0   \$0   \$

	eening Date		Docket No. 2012-0152-MWD-E	PCW
		City of Coolidge		Policy Revision 2 (September 2002)
	Case ID No.			PCW Revision October 30, 2008
Reg. Ent. Re	rerence No. ia [Statute]			
		Water Quality Heather Brister		
	ation Number			·
	Rule Cite(s)			<u> </u>
			Code §§ 305.125(1) and 30.350(d), and TPDES Permi NQ0014751001, Other Requirements No. 1	t No.
		, , , , , , , , , , , , , , , , , , ,	VQ0014751001, Other Requirements No. 1	
Violeti	on Description		r contract with a licensed operator, as documented du	
Violatio	on Description	11	nducted on November 3, 2011. Specifically, the opera expired on March 25, 2010, and he was operating the	
			Base	Penalty \$10,000
> Environme	ntal. Propei	rty and Human He	ealth Matrix	
			arm	
	Release		lerate Minor	
OR	Actual			
	Potential		X Percent 10%	
·Programma	itic Matrix			
7	Falsification	Major Mod	derate Minor	
			Percent 0%	
			The state of the s	
	[] · •		ensed operator may not allow for the proper maintena	u
Matrix			nt and personnel may not be properly trained to addre	
Notes	of the Facility.		nealth or the environment will or could be exposed to sants which would not exceed protective levels.	significant
		amounts of politica	ants which would not exceed protective levels.	
			Adjustment	\$9,000
			Aujustinent	\$9,000
			•	\$1,000
olation Even	łc			
	Number of '	Violation Events	3 67 Number of violation of	days
		J	<del></del>	
		daily weekly		
			x	
	mark only one	quarterly	Violation Base	Penalty \$3,000
	with an x	semiannual		-
		annual		
		single event		
	Three month		ended from the investigation date (November 3, 2011	.) to the
		scre	eening date (January 9, 2012).	
			***************************************	3333333333333333
ood Faith Eff	orts to Com		0.0% Reduction	\$0
		Extraordinary	re NOV NOV to EDPRP/Settlement Offer	
		Ordinary		
			X (mark with x)	
		Notes The R	Respondent does not meet the good faith criteria for	
			this violation.	
			Violation	Subtotal \$3,000
			Violation	3000000
onomic Ben	efit (EB) for	this violation	Statutory Limit	
onomic Ben		this violation		Test
onomic Ben		ed EB Amount	Statutory Limit  \$14  Violation Final Pena	Test
onomic Ben		ed EB Amount	Statutory Limit	Test

	Water Quality					Percent Interest	Years of Depreciation
Violation No.	Z Zidova Germania				uverumusaum sässe	5.0	1!
	Thom Cock	Date Required	Einal Data		Tatavast Cauad	Onetime Costs	EB Amount
			rillai Date	113	Titterest Saveu	Onetime Costs	CB Alliount
Item Description	No commas or \$						
Delaved Costs	i i Hagaga i Ari et urtera i giurt						
Equipment	r	l l		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	lt ·						
	<u></u>	4		0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$111	25-Mar-2010		0.00 2.52	\$0 \$14	n/a n/a	\$0 \$14
Permit Costs		ost to renew waste	ewater operatoi	0.00 2.52 's licen	\$0 \$14	n/a n/a is the date the ope	\$0 \$14
Permit Costs Other (as needed)	Estimated co	ost to renew waste expired	ewater operator d. Final date is	0.00 2.52 's licen the an	\$0 \$14 se. Date required ticipated date of co	n/a n/a is the date the ope	\$0 \$14 rator's license
Permit Costs Other (as needed)  Notes for DELAYED costs	Estimated co	ost to renew waste expired	ewater operator d. Final date is	0.00 2.52 's licen the an	\$0 \$14 se. Date required ticipated date of co	n/a n/a is the date the ope ompliance. for one-time avoid	\$0 \$14 rator's license ded costs) \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated co	ost to renew waste expired	ewater operator d. Final date is	o.00 2.52 's licen the and entering 0.00 0.00	\$0 \$14 se. Date required ticipated date of co ng item (except \$0 \$0	n/a n/a n/a l is the date the oper ompliance.  for one-time avoid \$0 \$0 \$0	\$0 \$14 rator's license ded costs) \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel ection/Reporting/Sampling	Estimated co	ost to renew waste expired	ewater operator d. Final date is	0.00 2.52 's licen the and enterin 0.00 0.00 0.00	\$0 \$14 se. Date required ticipated date of co ng item (except \$0 \$0 \$0	n/a n/a n/a l is the date the ope ompliance.  for one-time avoid \$0 \$0 \$0 \$0	\$0 \$14 rator's license ded costs) \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment	Estimated co	ost to renew waste expired	ewater operator d. Final date is	0.00 2.52 's licen the and enteria 0.00 0.00 0.00	\$0 \$14 se. Date required ticipated date of co ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a lis the date the oper ompliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$14 rator's license ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel section/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to renew waste expired	ewater operator d. Final date is	0.00 2.52 - 's licen the and enterial 0.00 0.00 0.00 0.00	\$0 \$14 se. Date required ticipated date of co ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a l is the date the ope ompliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$14 rator's license ded costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment	Estimated co	ost to renew waste expired	ewater operator d. Final date is	0.00 2.52 's licen the and enteria 0.00 0.00 0.00	\$0 \$14 se. Date required ticipated date of co ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a lis the date the oper ompliance.  for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$14 rator's license ded costs) \$0 \$0 \$0 \$0

Screening Date		Docket No. 2012-0152-MWD-E	PCW
그는 사람들이 살아왔다. 그런 그런 그런 사람들은 사람들은 사람들은 경우를 다 없다고 있었다. 사람들이 다	t City of Coolidge		n 2 (September 2002)
Case ID No Reg. Ent. Reference No		PCW Rev	ision October 30, 2008
Media [Statute			
Enf. Coordinato	r Heather Brister		
Violation Numbe			
Rule Cite(s	Tex. Water Code	§ 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES	
	Permit No. WQ001	14751001, Effluent Limitations and Monitoring Requirements No. 1	
	Failed to mainta	in compliance with permitted effluent limitations, as documented	
<b>Violation Descriptio</b>		estigation conducted on November 3, 2011, and as seen in the	
		attached table.	
		Base Penalty	\$10,000
>> Environmental, Prope	ety and Human	Health Matrix	7
>> Liiviioiiiieiitai, riope	acy and riuman	Harm	
Releas		Moderate Minor	
OR Actual Potential		Percent 10%	
Fotentia	<sup>21</sup> LL	Percent 10%	
>>Programmatic Matrix			
Falsification	Major N	Moderate Minor	
L. L.		Percent 0%	
		evaluate 5-day biochemical oxygen demand to determine whether	- 4
Matrix II		pollutants exceeded levels protective of human health or the e discharges, human health or the environment has been exposed	
NOTAC II		lutants which do not exceed levels that are protective of human	
	·	nealth or environmental receptors.	
<u> </u>			
		Adjustment \$9,000	
		·	+4 000
			\$1,000
Violation Events			
	<del>  </del>		
Number of	f Violation Events	1 62 Number of violation days	
	daily		
	weekly		-
mark only one	monthly		
with an x	quarterry	Violation Base Penalty	\$1,000
	semiannual		
	single event		
	. Or	ne quarterly event is recommended.	
L	**************************************		
Good Faith Efforts to Con	nply	0.0% Reduction	\$0
	Participate 1	Before NOV NOV to EDPRP/Settlement Offer	
•	Extraordinary		
	OrdinaryN/A	X (mark with x)	
	Notes Th	ne Respondent does not meet the good faith criteria for	-
		this violation.	
	- Catalogue	Walatian Cultural F	61.000
		Violation Subtotal	\$1,000
Economic Benefit (EB) fo	r this violation	Statutory Limit Test	
FT 425 *	tod ED Americal	#060 William Fill B	41 750
Estima	ted EB Amount	\$960 Violation Final Penalty Total	\$1,750
		This violation Final Assessed Penalty (adjusted for limits)	\$1,750

	E(	conomic	Benefit	Wo	rksheet		
Respondent	City of Coolidg	e					
Case ID No.	43339						
Reg. Ent. Reference No.	RN101919025						
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
VIOIBLIOII NO.						5.0	15
	والمنافعة المتاريخ				Interest Saved		EB Amount
		Date Required	Final Date	Yrs	Tilicicat Daken	Oncome roses	LU AIIIUUIIL
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	<u>\$Q</u>	\$0	\$0
Buildings				0.00	<u>\$0</u>	\$0	<u> </u>
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0,00	\$0	\$0	
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	<u> 50</u>
Training/Sampling				0.00	\$0		<u> </u>
Remediation/Disposal				0.00	\$0	n/a	<u> </u>
Permit Costs				0.00	<u>\$0</u>	1/4	<u>\$0</u>
Other (as needed)	\$10,000	31 <u>-0a-2010</u>	<u> </u>	1.92	\$959		\$959
Notes for DELAYED costs	compliance w	th the permitted Fi	effluent limits: nai date is the a	Date re inticipa	equired is the date ted date of compli		npliant month.
Avoided Costs	ANNUAL:	ZE [1] avoided	costs before			or one-time avoic	
Disposal				0.00	<u>\$0</u>	\$0	\$0
Personnel				0.00	\$0	<u> </u>	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment			************	0.00	\$0	\$0	<u> </u>
Financial Assurance [2]			******************************	0.00	<u>\$0</u>	\$0	<u>\$0</u>
ONE-TIME avoided costs [3]		L	nnasannnannnnnnnnnnnhininki	0.00	<u> </u>	<u> </u>	\$0
Other (as needed)		L		Q.QQ.	<u></u>	\$0	<u> </u>
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$959

#### Penalty Calculation Worksheet (PCW) PCW Revision August 3, 2011 Policy Revision 3 (September 2011) Assigned 3-Jan-2012 Screening 9-Jan-2012 PCW 9-Jan-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Coolidge Reg. Ent. Ref. No. RN101919025 Major/Minor Source Minor Facility/Site Region 9-Waco CASE INFORMATION No. of Violations 7 Enf./Case ID No. 43339 Docket No. 2012-0152-MWD-E Order Type 1660 Government/Non-Profit Yes Media Program(s) Water Quality Enf. Coordinator Heather Brister Multi-Media EC's Team Enforcement Team Maximum \$25,000 Admin. Penalty \$ Limit Minimum Penalty Calculation Section \$6,312 TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 75.0% Enhancement Subtotals 2, 3, & 7 \$4,734 Enhancement for six months of self-reported effluent violations, one NOV Notes with same/similar violations, and two orders with denial of liability. \$0 0.0% Enhancement Subtotal 4 Culpability No The Respondent does not meet the culpability criteria. Notes Subtotal 5 \$125 Good Faith Effort to Comply Total Adjustments Subtotal 6 \$0 **Economic Benefit** 0.0% Enhancement\* Total EB Amounts Capped at the Total EB \$ Amount \$62 Approx. Cost of Compliance \$1.650 Final Subtotal \$10,921 SUM OF SUBTOTALS 1-7 \$0 0.0% Adjustment OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes \$10,921 Final Penalty Amount \$10,921 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty -\$2,184 20.0% Reduction Adjustment **DEFERRAL** Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% re

Deferral offered for expedited settlement.

\$8,737

Notes

PAYABLE PENALTY

Docket No. 2012-0152-MWD-E

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Respondent City of Coolidge Case ID No. 43339

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality
Enf. Coordinator Heather Brister

**Compliance History Worksheet** 

omponent	ory Site Enhancement (Subtotal 2) Number of	Enter Numbe	er Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	7		35%
	Other written NOVs	0		0%
200	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2		40%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0		.0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0		0%
Emissions	Chronic excessive emissions events (number of events)	0		0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	O		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%
	Ple	ase Enter Yes	or No	
	Environmental management systems in place for one year or more	No		0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No		0%
Care	Participation in a voluntary pollution reduction program	No		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No		0%
	Adjustment Per	centage	(Sub	total 2)
at Violator (	Subtotal 3)			
No	Adjustment Per	centage	(Sub	total 3)
liance Histo	ory Person Classification (Subtotal 7)			
Average Pe	Adjustment Per	centage	(Sub	total 7)
liance Histo	ory Summary			
Compliance History Notes	Enhancement for six months of self-reported effluent violations, one NOV with violations, and two orders with denial of liability.	same/simil	ar	
	Total Compliance History Adjustment Percentage (S History Adjustment	Subtotal	s 2, :	3, & 7)

Respondent City of coolidge Case ID No. 4339  Reg. Ent. Reference No. 4339  Reg. Ent. Reference No. 88(101919025)  Media (Statute) Water Quality  Enf. Coordinator insurer exister  Violation Name  Rule Cite(s)  37 Tex. Admin. Case § 305. (25(1) and (5) and 15 an		<b>)ate</b> 9-Jan-2012	Docket No. 2012-0152-MWD-E	PÇW
Reg. Ent. Reference No. NS101319025 Model (Statute) Water Quality Enf. Coordinator Nestmen divisor Violation Number  Rule Cite(s)  30 fix. Admin. Oxfor § 305.125(3) and (5) and Texas Polulation Description Requirements No. 1 Faired to properly oversize and management of the Systems of collection Properly oversizes and management of the Systems of collection, preatment, and dispose, as documented during an investigation conducted on November 2, 2011. Specifically, the salidon-violal attent system at the 45 station was not functional.  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  OR  Actual Porential Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%  >> Programmatic Matrix Fats fiction Major Moderate Minor  Percent 5.0%    Number of Violation & Exceptions as a result of the Violation of evidence Major Minor    Number of Violation & Exceptions as a result of the Violation Major Minor   State Major Minor   Stat				
Media (Statute) Water Quality Enf. Coordinator teacher enters Violation Number Rule Cite(s) 30 Fee. Admin. Code § 105.125(1) and (5) and Texas Pollutant Decharge Eminetion System (*PDES*) Permit No. WQ001475(90), Operational Requirements No. 1 Femet to properly specials and decharge and mile of systems of conduction, Parameters and maintain that receive and off is systems of conducted on November 3, 2011. Societically, the audion-visual starm system at the distribution was not functional.  **Property and Human Health Natival Human Release Major Moderate Notes  **Programmatic Mattrial Selection Natival Following  **Property **Programmatic Mattrial Selection Natival **Property **Programmatic Mattrial **Selection Natival **Proceed **Proceed **Proced **			rew ;	Revision August 5, 2011
Violation Number   30 Fox. Admin. Code 6 306.125(1) and (5) and Texas Perciant Discharge Binnington System (TPDES) Perms Ro. W(2001475:003, Operational Requirements No.   1	Media (Stati	ute] Water Quality	•	
Rule Cite(s)  30 Fex. Admin. Code \$ 305.125(1) and (5) and Texas Penudant Discovarge Semination System (*Problem) Penudant Discovarge Semination System (*Problem) Penudant Discovarge Semination System (*Problem) Penudant Discovarge Returnments No. 1  Faceto to properly upon acts and maintain the Facility and shill of systems of collection, incebrating, and discovariant and discovariant of received during an investigation consociated on the termination Systems of the				
Statistics   Second Process   Percent Rev. WigostarSpaces   Regularements No.		70 Tay Adv	nn Code 6 305 125(1) and (5) and Texas Pollutant Discharge	
Violation Description confluences, and disposa, as documented during an investigation conducted on Hovember 3, 2011. Specifically, the audio-visual alarm system at the art station was not functional.    Base Penalty   \$25,000	Rule Cit		System ("TPDES") Permit No. WQ0014751001, Operational	
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor   Percent   5.0%	Violation Descri	collection, tre	eatment, and disposal, as documented during an investigation lovember 3, 2011. Specifically, the audio-visual alarm system at	
Actual Peternal X Percent 5.0%  >>Programmatic Matrix Feisfication Major Moderate Minor Percent 0.0%    Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    With the protection of the investigation of the investigation date (November 3, 2011) to the screening date (January 9, 2012).   One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).   Good Faith Efforts to Comply			Base Penalty	\$25,000
Release Major Moderate Minor Actual Potential X Percent 5.0%  >	>> Environmental, Pro	operty and Humai		
>> Programmatic Matrix Faithcation Major Moderate Minor Percent 0.0%    Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    William	Rel	ease Major		
>> Programmatic Matrix			<b>7</b> 000	
Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$23,750	Poti	antiail	X Percent 5.0%	
Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   S23,750				
Which would not exceed levels that are protective of human heath or environmental receptors as a result of the violation.    Adjustment	Falsifica	tion Major		
Which would not exceed levels that are protective of human heath or environmental receptors as a result of the violation.    Adjustment	- Lancaca Caraca Ca			
Which would not exceed levels that are protective of human heath or environmental receptors as a result of the violation.    Adjustment				
Adjustment \$23,750  Violation Events  Number of Violation Events 1 67 Number of violation days  daily weekly monthly semilentual annual single event	matrix which w	, health or the environm ould not exceed levels t	hent will or could be exposed to significant amounts of pollutants hat are protective of human health or environmental receptors as	
Violation Events  Number of Violation Events 1 67 Number of violation days  daily weekly monthly quarterly semiannual single event  One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).  Good Faith Efforts to Comply 10.0% Reduction 8efore NOV NOV to EDRR//Settlement Offer Extraordinary Ordinary X N/A (mark with x) Notes The Respondent achieved compliance on January 19, 2012.  Violation Subtotal 51,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount 57 Violation Final Penalty Total 57.25	Notes			
Violation Events  Number of Violation Events 1 67 Number of violation days  daily weekly monthly quarterly semiannual single event  One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).  Good Faith Efforts to Comply 10.0% Reduction 8efore NOV NOV to EDRR//Settlement Offer Extraordinary Ordinary X N/A (mark with x) Notes The Respondent achieved compliance on January 19, 2012.  Violation Subtotal 51,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount 57 Violation Final Penalty Total 57.25		<u> </u>		
Violation Events  Number of Violation Events 1 67 Number of violation days  daily weekly monthly quarterly semiannual single event  One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).  Good Faith Efforts to Comply 10.0% Reduction 8efore NOV NOV to EDRR//Settlement Offer Extraordinary Ordinary X N/A (mark with x) Notes The Respondent achieved compliance on January 19, 2012.  Violation Subtotal 51,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount 57 Violation Final Penalty Total 57.25			Adjustment \$23,750	
Violation Events   1				\$1.250
Number of Violation Events 1 67 Number of violation days    daily				The state of the s
daily weekly monthly quarterly semiannual single event  One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).  Good Faith Efforts to Comply  10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes  The Respondent achieved compilance on January 19, 2012.  Violation Subtotal  \$1,125  Economic Benefit (EB) for this violation Estimated EB Amount  \$7 Violation Final Penalty Total	Violation Events			
weekly monthly quarterly semiannual annual single event  One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).  Good Faith Efforts to Comply 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary N/A (mark with x) Notes The Respondent achieved compliance on January 19, 2012.  Violation Subtotal \$1,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total \$7.053	Numbe	er of Violation Events	67 Number of violation days	
Weekly monthly quarterly semiannual annual single event  One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).  Good Faith Efforts to Comply 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary N/A (mark with x) Notes The Respondent achieved compliance on January 19, 2012.  Violation Subtotal \$1,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total		l daile		
Good Faith Efforts to Comply  Extraordinary Ordinary Ordinary N/A Notes  The Respondent achieved compliance on January 19, 2012.  Violation Subtotal  S1,250  Violation Base Penalty S1,250  S125  Sefore NOV NOV to EDPRP/Settlement Offer Extraordinary N/A Notes  The Respondent achieved compliance on January 19, 2012.  Violation Subtotal  S1,125  Economic Benefit (EB) for this violation  Estimated EB Amount S7 Violation Final Penalty Total		1000		
Semiannual single event  One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).  Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A (mark with x)  Notes  The Respondent achieved compliance on January 19, 2012.  Violation Subtotal  \$1,125  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$7 Violation Final Penalty Total	: mark only	, and <b>1</b>	Violation Base Penalty	\$1.250
One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).  Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  (mark with x)  Notes  The Respondent achieved compliance on January 19, 2012.  Violation Subtotal  \$1,125  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$7  Violation Final Penalty Total	with an		The state of the s	
One quarterly event is recommended from the investigation date (November 3, 2011) to the screening date (January 9, 2012).    Good Faith Efforts to Comply   10.0% Reduction   \$125		1 10000		200
Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A  Notes  The Respondent achieved compliance on January 19, 2012.  Violation Subtotal  \$1,125  Economic Benefit (EB) for this violation  Estimated EB Amount  \$7  Violation Final Penalty Total		single event		
Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A  Notes  The Respondent achieved compliance on January 19, 2012.  Violation Subtotal  \$1,125  Economic Benefit (EB) for this violation  Estimated EB Amount  \$7  Violation Final Penalty Total	One a	uarteriv event is recom	mended from the investigation date (November 3, 2011) to the	
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x)  Notes The Respondent achieved compliance on January 19, 2012.  Violation Subtotal \$1,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total \$2,000				
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x)  Notes The Respondent achieved compliance on January 19, 2012.  Violation Subtotal \$1,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total \$2,000	Landren and the second and the secon			¢17E
Ordinary X  N/A  Notes  The Respondent achieved compliance on January 19, 2012.  Violation Subtotal \$1,125  Economic Benefit (EB) for this violation  Estimated EB Amount \$7  Violation Final Penalty Total \$2,000	Good Faith Efforts to (		pulse representation and the control of the control	3167
N/A (mark with x)  The Respondent achieved compliance on January 19, 2012.  Violation Subtotal \$1,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total \$2,000		Extraordinary		
Notes The Respondent achieved compliance on January 19, 2012.  Violation Subtotal \$1,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total \$2,000		· James	(mark with v)	
Violation Subtotal \$1,125  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total \$2,000		3		
Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total \$2,000		Notes		
Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$7 Violation Final Penalty Total \$2,000				
Estimated EB Amount \$7 Violation Final Penalty Total 57 352			Violation Subtotal	\$1,125
Estimated EB Amount \$7 Violation Final Penalty Total 57 352	Economic Benefit (EB)	for this violation	Statutory Limit Test	
ESCORECT SO POSITION CO.		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	77727000000000000000000000000000000000	
This violation Final Assessed Penalty (adjusted for limits) \$2,063	ESt	macou as millim	And the second of the second o	
			inis violation Pinal Assessed Penaity (adjusted for limits)	\$2,003

	RN101919025 Water Quality					Percent Interest	Years of
Violation No.	1					5.0	Depreciation 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delaved Costs							
Equipment	\$500	3-Nov-2011	19-Jan-2012	0.21	\$0	\$7	\$7
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$ <u>0</u>	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	<u>\$0</u>
Permit Costs Other (as needed)		<u> </u>		0.00	\$0 \$0	n/a n/a	\$0 \$0
			dia mount alaca	in tha	lift etation Data	raquired in the inves	tigation date
Notes for DELAYED costs	esumateu co	st to install an au			lift station. Date ate of compliance.	required is the inves	stigation date.
Notes for DELAYED costs  Avoided Costs			Final date is	s the da	ite of compliance.	for one-time avoic	led costs)
			Final date is	the date	ate of compliance.  ng item (except \$0	for one-time avoid \$0	led costs) \$0
Avoided Costs, Disposal Personnel			Final date is	enterir	ng item (except \$0 \$0	for one-time avoid \$0 \$0	led costs) \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling			Final date is	enterir 0.00 0.00 0.00	ng item (except \$0 \$0 \$0 \$0	for one-time avoic \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment			Final date is	enterir 0.00 0.00 0.00 0.00	ate of compliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Final date is	enterir   0.00   0.00   0.00   0.00   0.00	ate of compliance.  ng item (except \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment			Final date is	enterir 0.00 0.00 0.00 0.00	ate of compliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2012-0152-MWD-E	PCW
Respondent	-		Policy Revision 3 (September 2011)
Case ID No.			PCW Revision August 3, 2011
Reg. Ent. Reference No. Media [Statute]			RESTAMO
Enf. Coordinator			ининини
Violation Number	2		миничиния на предостава на Предостава на предостава н
Rule Cite(s)	30 Tex. Admin. Code § 319.1	1(c) and (d) and TPDES Permit No. WQ001	4751001.
And the second s	<ul> <li>In the second of the second of</li></ul>	rational Requirements No. 5	
tecer	Failed to have an effective	flow measuring device, as documented dur	ing an
and the second	investigation conducted on N	lovember 3, 2011. Specifically, the Respond	dent was
Violation Description		al estimation of the water depth flowing from lity has a rectangular welr, but does not hav	
	E	gauge or a flow meter.	C a Stall
L			
		Bas	e Penalty \$25,000
>> Environmental, Proper	ty and Human Health V	latrix	111111111
	Harm	7 m 1 m 1 m 1 m 1 m 1 m 1 m 1 m 1 m 1 m	
Release	Major Moderate	Minor	
OR Actual Potential	x	Percent 5.0%	
Fotericial		refeelt 5.070	1
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
		Percent 0.0%	***************************************
Urman haali	th or the environment will or co	build be exposed to significant amounts of po	Mirants
Matrix which would no		ctive of human health or environmental rece	1.111111111111111111111111111111111111
Notes	tara kantara ara-tara tengan bilangan kantara dalam beranjakan beranjakan beranjakan beranjakan beranjakan ber	of the violation.	
		Adjustment	\$23,750
***************************************			\$1,250
Violation Events			
Number of V	iolation Events 1	67 Number of violation	days
		National Action of the Control of th	бинини
	daily		понини
	weekly monthly		
mark only one with an x	quarterly x	Violation Base	e Penalty \$1,250
Willi ali X	semiannual		
	annual		ниным
	single event		***************************************
One quarter		n the Investigation date (November 3, 2011) te (January 9, 2012).	
Good Faith Efforts to Comp	) <b>iy</b> 0.0% R	aduction	\$0
GOOD I GILLI ELION CO COMP		OV to EDPRP/Settlement Offer	7-
	Extraordinary		
	Ordinary		**************************************
	N/A  <u>x   (n</u>	nark with x)	
	The Responder	nt does not meet the good faith criteria for	
	Notes	this violation.	
	<u> </u>		
T		Violation	Subtotal \$1,250
Economic Benefit (EB) for I	this violation	Statutory Limit	Test
Francinc benefit (Eb) for i	prio Viviativii	Statutory Cillin	
Estimate	d EB Amount	\$6 Violation Final Pena	alty Total \$2,188
·	This viola	tion Final Assessed Penalty (adjusted fo	or limits) \$2,188
	TIIIS VIUIG	don mar Assessed Ferrary (adjusted to	,

Respondent Case ID No. Reg. Ent. Reference No.	City of Coolidg 43339		Dellell		INSHEEL		Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Itam Cast	Date Required	Final Nata	Vrc	Interest Saved		EB Amount
Item Description		outc acquires			This is a second of the second	***********	err intraci
tigiii Destription	NO COMMINAS OF \$						
Delayed Costs							
Equipment	\$100	<u> </u>	30-Sen-2012	0.91	\$0	\$6	\$6
Buildings		<del> </del>		0.00	\$0	s0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction		il and the second second		0.00	\$0	\$0	\$0
Land				0.00	\$0	6/0	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		i i		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	<u>\$0</u>
Permit Costs				0,00	\$0	n/a	\$0
Other (as needed)				0.00	<u>\$0</u>	9/2	\$0
Notes for DELAYED costs			is the anticip	ated d	ate of compliance.	ite of the investigati	
Avoided Costs	MINING	TEC II Evolueu	rosts permit	0.00	\$0	<u>\$</u> 0	\$0
Disposal	************			0.00	\$0 \$0	<u>3V</u> \$0	<u>30</u> \$0
Personnel aspection/Reporting/Sampling				0.00	\$0 \$0	<del>3</del> 0	<u>\$0</u>
Supplies/equipment				0.00	\$0	\$0 \$0	\$0
Financial Assurance [2]	****************	******************************		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	***************		***************************************	0.00	\$0	\$0	\$0
Notes for AVOIDED costs				<u>. X. X. X.</u>			

Screening Date		<b>Docket No.</b> 2012-0152-MWD-E	PCW
	City of Coolidge		Policy Revision 3 (September 2011)
Case ID No.			PCW Revision August 3, 2011
Reg. Ent. Reference No.			
Media [Statute] Enf. Coordinator			
Violation Number	<del>karantan</del>		***************************************
Rule Cite(s)			
	Do Lex. Monthly Code &	§ 305.125(1) and (17), and 319.7(d), and TPDES I 001, Monitoring and Reporting Requirements No. 1	
	Failed to timely submit	monitoring results at the intervals specified in the	permit as
Violation Description	documented during an the discharge monitorin	investigation conducted on November 3, 2011. Sping reports ("DMRs") for the monitoring periods endimber 30, 2011, were not submitted by the 20th dar following month as required.	pecifically, ing August
		aa	
		Bas	e Penalty \$25,000
>> Environmental, Proper			
Release	<b>Harı</b> Major Moder		
OR Actual			
Potential		Percent 0.0%	
			PARTIE DE LA CONTRACTOR
>>Programmatic Matrix			
Falsification	Major Moder		
	<u> </u>	X Percent 1.0%	MWA
Matrix	At least 709	% of the rule requirement was met.	
Notes			1401.1001.8(1)1110.00 1001.1001.8(1)1110.00 1001.1001.8(1)1110.00
<u> </u>			
		Adjustment	\$24,750
			\$250
			\$230
Violation Events			
Number of \	/iolation Events 2	61 Number of violation	days
	dally weekly monthly		TO THE PARTY OF TH
mark only one with an x	quarterly semiannual annual single event x	Violation Base	e Penalty \$500
-			
	I Wo Sin	gle events are recommended.	
. [111115			
Good Faith Efforts to Comp	oly 0	.0% Reduction	\$0
	Before N	NOV NOV to EDPRP/Settlement Offer	10000000000000000000000000000000000000
	Extraordinary		
	Ordinary		
	N/A <u>x</u>	(mark with x)	
	Notes The Res	spondent does not meet the good faith criteria for this violation.	THE PARTY OF THE P
THE STATE OF THE S	<u>L. constantib</u>	Vi-1-4-	Subtotal dE00
		Violation	
Economic Benefit (EB) for	this violation	Statutory Limit	Test
Estimate	ed EB Amount	\$0 Violation Final Pena	alty Total \$875
	This	s violation Final Assessed Penalty (adjusted fo	or limits) \$875

Item Cost Dat	e Required	Final Date	0.00	Interest Saved	5.0 Onetime Costs	Depreciation 1 EB Amount
	e Required	Final Date	0.00		Onetime Costs	EB Amount
o commas or \$				\$O		
				<u>\$0</u>		
					\$0 I	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00		n/a	\$0
						\$0
						\$0
	I		0.00	\$0	<u> </u>	\$0
ANNUALIZE			enterin	ig item (except f	or one-time avoid	ed costs) \$0
			0.00	·	\$0 \$0	
	1			<ul> <li>Control of the control of the control</li></ul>	CONCLUSION OF THE STATE OF THE	<b>\$(1)</b>
				\$0 \$0		\$0 \$0
			0.00	\$0	\$0	\$0
			0.00	\$0 \$0	\$0 \$0	\$0 \$0
	ANNUALIZE					

Screening Date		Docket No. 2012-0152-MWD-E	PCW
	City of Coolidge		ion 3 (September 2011)
Case ID No. Reg. Ent. Reference No.		PCVV (	Revision August 3, 2011
Media (Statute)	Water Quality		
Enf. Coordinator Violation Number			
Violation Number Rule Cite(s)			
	30 Tex. Admin.	Code §§ 305.125(1) and (11)(B) and 319.7(c), and TPDES Permit 014751001, Monitoring and Reporting Requirements No. 3.5 (1) (1)	
	No. 1720.	A STATE OF THE MANAGE AND THE PROPERTY OF THE	
	111 TO THE PROPERTY OF THE PRO		
Violation Description		records readily available for review by TCEQ staff, as documented	
		ing an investigation conducted on November 3, 2011.	
		Base Penalty	\$25,000
>> Environmental, Proper	the and Union	. Wastik Mateix	
>> cuvitumientai, riopei		Harm	
Release	(Access of the second of the s	Moderate Minor	
OR Actual Potential		Percent 0.0%	
		Debagement and the second state of the second state of the second	
>>Programmatic Matrix Falsification	Major	Moderate Minor	
Taisincacon	x I	Percent 5.0%	
	~~~~		
Matrix	100	% of the rule requirement was not met.	
Notes	LUU	as of the role requirement was not muc.	
L-w-			
		Adjustment \$23,750	
			\$1,250
Violation Events			
186666888811111111111111111111111111111	Para .		
Number of '	Violation Events	1 67 Number of violation days	
	l daily [		
	weekly		
mark only one	morethly quarterly	Violation Base Penalty	\$62
with an x	semiannual 🛄	**************************************	
	annual single event		
:	i i ya xa xa xa L		
:		On a standard and the same manded	
		One single event is recommended.	
			,
Good Faith Efforts to Com		0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	\$0
	Extraordinary		
	Ordinary		
	N/A	x (mark with x)	
	Notes	he Respondent does not meet the good faith criteria for	
		this violation.	
		Violation Subtotal	\$62
Economic Benefit (EB) for	this violation	Statutory Limit Test	
Estimat	ed EB Amount	\$0 Violation Final Penalty Total	\$109
		This violation Final Assessed Penalty (adjusted for limits)	\$109

	E	conomic l	Benefit	Wo	rksheet		
Respondent			T 1				
Case ID No.		<b>J</b> ~					
ea. Ent. Reference No.	£	5					
	Water Quality						Years of
						<b>Percent Interest</b>	Depreciation
Violation No.	4						print(000000 20 400000 10 0000 10 000000
						5.0	1!
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
Item Description	No commas or 9						
, <u>, , , , , , , , , , , , , , , , , , </u>		Seculos de sesses de la constant de				3375.000	
Delayed Costs							
Equipment		[	***************************************	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		11		0.00	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs	ANNUAL			enterir		for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel	ļ <del></del>	<b>↓</b>		0.00	\$0 #0	\$0 ¢0	\$0 \$0
spection/Reporting/Sampling		4		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]	<del> </del>	<del> </del>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]	<del></del>	₩		0.00	<u>şu</u> \$0	\$0 \$0	\$0 \$0
Other (as needed)		1		0.00	\$0 \$0	\$0	\$0
Other (as needed)		<u> </u>	*******************	N A1AA 1			
	H	* 6.5 E. C. S. F. E. C. S. C. S. F. L. S. C. S.					
Notes for AVOIDED costs							

Respondent City of Coolidge Policy Revision 3 (Septemb	PCW
Case ID No. 43339 PCW Revision Augus	
Reg. Ent. Reference No. RN101919025	. 5, 2.011
Media [Statute] Water Quality	
Enf. Coordinator Heather Brister Violation Number 5	
Rule Cite(s)	
30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014751001, Operational Requirements No. 11.f	
Failed to maintain management records for all sludge removed from any wastewater	
Violation Description treatment process, as documented during an investigation conducted on November 3, 2011.	
Base Penalty S	\$25,000
	1 7
>> Environmental, Property and Human Health Matrix  Harm	
Release Major Moderate Minor	
OR Actual	
Potential Percent 0.0%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 5.0%	
Matrix Notes  100% of the permit requirement was not met.	
Adjustment \$23,750	
	\$1,250
Violation Events	
Number of Violation Events 1 67 Number of violation days	
daily ::::::::::::::::::::::::::::::::::::	
weekly <u>Committee</u>	
mark only one quarterly Violation Base Penalty	\$1,250
with an x  semiannual Service Semiannual Service Semiannual Service Semiannual Service	Ψ1,230
annual annual	
single event x	
One single event is recommended.	
Good Faith Efforts to Comply 0.0% Reduction	\$0
Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	
Ordinary (mark with x)	
Residence and the second secon	
Notes The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	\$1,250
, satisfied and	
	99999888888
Economic Benefit (EB) for this violation Statutory Limit Test	
	\$2,188
Estimated EB Amount \$0 Violation Final Penalty Total	\$2,188 \$2,188

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	City of Coolidg 43339	e		***************************************	3 2 2 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5		
Media Violation No.	Water Quality 5					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	·					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		1		0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		1		0.00	\$0	n/a	\$0
Permit Costs		<b>I</b>		0.00	\$0	n/a	\$0
Other (as needed)		i """ '' '' '' '' '' '' '' '' '' ''		0.00	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs	ANNUAL				No. 1 on the acco	mpanying PCW.	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	I			0.00	\$0	\$0	\$0
Supplies/equipment		i i		0.00	\$0	\$0	\$0
Financial Assurance [2]		i		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0

Screening Date		Docket No. 2012-0152-MWD-E	PCW
Respondent Case ID No. Reg. Ent. Reference No. Media [Statute] Enf. Coordinator Violation Number	43339 RN101919025 Water Quality Heather Brister		Revision 3 (September 2011) PCW Revision August 3, 2011
Rule Cite(s)	30 Tex. Admin. Code §	305.125(1) and (5), and TPDES Permit No. WQ0014751 Operational Requirements No. 1	001,
Violation Description	collection, treatmer	operate and maintain the Facility and all of its systems of nt, and disposal, as documented during an investigation r 3, 2011. Specifically, vegetation was growing in the slu drying beds.	odge
		Base Pen	alty \$25,000
>> Environmental, Proper	Harn	n ,	Windshirm
Release OR Actual Potential	Major Modera	ate Minor  Percent 3.0%	
>>Programmatic Matrix Falsification	Major Modera	ate Minor Percent 0.0%	:
Matrix which would n		uld or will be exposed to insignificant amounts of pollutar	
Notes		result of the violation.  Adjustment \$24	,250
		<u>1</u>	\$750
Violation Events			
Number of \	Violation Events	67 Number of violation days	THE PROPERTY OF THE PROPERTY O
mark only one with an x	daily weekly monthly quarterly semlannual	Violation Base Pen	alty \$750
	annual x		rendur unanye
	One si	ngle event is recommended.	
Good Faith Efforts to Comp	ply Before N	.0% Reduction	\$0
	Extraordinary Ordinary N/A x	(mark with x)	
		spondent does not meet the good faith criteria for this violation.	
	. Company of Control o	Violation Subt	otal \$750
Economic Benefit (EB) for	this violation	Statutory Limit Test	t
Estimate	ed EB Amount	\$45 Violation Final Penalty T	otal \$1,313
	This	s violation Final Assessed Penalty (adjusted for lim	sits) \$1,313

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No. Media	43339					Percent Interest	Years of
Violation No.	6			18088888800000			Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0 \$0
Land				0.00	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1.000	3-Nov-2011	30-Sep-2012	0.91	\$45	n/a	\$45
Notes for DELAYED costs  Avoided Costs			date is the ant	icipateo enterii	d date of complian	for one-time avoi	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
nspection/Reporting/Sampling				0.00	\$U \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]		1		0.00	\$0 \$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		l e		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,000			TOTAL		\$45

Screening Date		Docket No. 2012-0152-MWD-E	PCW
Respondent Case ID No.	City of Coolidge	•	on 3 (September 2011) Revision August 3, 2011
Reg. Ent. Reference No.		PCW P	Revision August 3, 2011
Media [Statute]			
Enf. Coordinator	***************************************		
Violation Number Rule Cite(s)			
Rule Cite(s)	30 Tex. Admin Code	§ 305.125(1) and (17) and TPDES Permit No. WQ0014751001, Sludge Provisions	-
Violation Description		annual sludge report for the monitoring period ending July 31, 30, 2011, as documented during a record review conducted on	
		January 9, 2012.	
:		Base Penalty	\$25,000
>> Environmental, Proper		ealth Matrix arm	
Release	Major Mod	derate Minor	
OR Actual		Percent 0.0%	
Potential	<u> </u>	Percent 0.0%	
>>Programmatic Matrix			
Falsification	Major Mod	derate Minor Percent 5.0%	***************************************
Kaminipedeneaniiak	<u>                                     </u>		
			200
Matrix Notes	100% o	f the rule requirement was not met.	
		Adjustment \$23,750	
		[	\$1,250
		i.	71,200
Violation Events			
		101 Number of violation days	
	•		
	daily weekly		
	monthly		
mark only one with an x	quarterly	Violation Base Penalty	\$1,250
	semiannual annual	50036511 1933811 1833911	
	single event	X ::::::::::::::::::::::::::::::::::::	
		esingle event is recommended.	
Good Faith Efforts to Com		0.0% Reduction re NOV NOV to EDPRP/Settlement Offer	
·	Extraordinary		:
	Ordinary		000000
	. N/A	(mark with x)	
	Notes The F	Respondent does not meet the good faith criteria for	
	Notes	this violation.	-
	<u> </u>		11 05-
		Violation Subtotal	\$1,250
Economic Benefit (EB) for	this violation	Statutory Limit Test	
-	ed EB Amount	\$3 Violation Final Penalty Total	\$2,188
ESUMAC	***************************************		
	Т	This violation Final Assessed Penalty (adjusted for limits)	\$2,188

Media Violation No.	RN101919025 Water Quality					Percent Interest	Years of Depreciation
violation No.	. 7					5.0	1!
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	·	ır v		0.00	\$0	\$0	\$0
Buildings	-			0.00	\$0	\$0	\$0
Other (as needed)		t i		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	30-Sep-2011	20 0 2012	1 00	\$3		
	Estimated of	cost to submit the	annual sludge	l <u>1.00</u> report	to the TCEQ. Date	n/a required is the dat	\$3 e the annual
Notes for DELAYED costs  Avoided Costs	Estimated ( sludge re	cost to submit the port was due. Fina Violation No. 1 on	annual sludge al date is the ar the accompany	report nticipat ing PC\ <b>enteri</b> i	to the TCEQ. Date ed date of complia W for operational c	e required is the dat nce. See Economic juidance and trainin for one-time avoid	e the annual Benefit for g. <b>led costs)</b>
Notes for DELAYED costs  Avoided Costs  Disposal	Estimated ( sludge re	cost to submit the port was due. Fina Violation No. 1 on	annual sludge al date is the ar the accompany	report inticipation PC in the properties of the	to the TCEQ. Date ed date of complia W for operational c ng item (except 1	e required is the dat nce. See Economic juidance and trainin for one-time avoid \$0	e the annual Benefit for g. <b>led costs)</b> \$0
Notes for DELAYED costs  Avoided Costs  Disposal  Personnel	Estimated ( sludge re	cost to submit the port was due. Fina Violation No. 1 on	annual sludge al date is the ar the accompany	report inticipation PC in PC i	to the TCEQ. Date ed date of complia W for operational complia gitem (except 1 \$0 \$0	e required is the dat nce. See Economic juidance and trainin for one-time avoid \$0 \$0	e the annual Benefit for g. ded costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated ( sludge re	cost to submit the port was due. Fina Violation No. 1 on	annual sludge al date is the ar the accompany	report inticipation PCV entering 0.00 0.00 0.00	to the TCEQ. Date ed date of complia W for operational complia gitem (except to \$0 \$0 \$0	e required is the dat nce. See Economic juidance and trainin for one-time avoid \$0 \$0	e the annual Benefit for g.  led costs) \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated ( sludge re	cost to submit the port was due. Fina Violation No. 1 on	annual sludge al date is the ar the accompany	report inticipation PCV entering 0.00 0.00 0.00 0.00	to the TCEQ. Date ed date of complia W for operational g ng item (except 1	e required is the dat nce. See Economic guidance and trainin for one-time avoid \$0 \$0 \$0	e the annual Benefit for g.  led costs) \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel  spection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]	Estimated ( sludge re	cost to submit the port was due. Fina Violation No. 1 on	annual sludge al date is the ar the accompany	report inticipating PC\ enterin   0.00   0.00   0.00   0.00   0.00   0.00   0.00   0.00   0.00   0.00	to the TCEQ. Date ed date of complia W for operational complia s0 \$0 \$0 \$0 \$0 \$0	e required is the dat nce. See Economic juidance and trainin for one-time avoid \$0 \$0 \$0 \$0	e the annual Benefit for g.  led costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated ( sludge re	cost to submit the port was due. Fina Violation No. 1 on	annual sludge al date is the ar the accompany	report inticipation PCV entering 0.00 0.00 0.00 0.00	to the TCEQ. Date ed date of complia W for operational g ng item (except 1	e required is the dat nce. See Economic guidance and trainin for one-time avoid \$0 \$0 \$0	e the annual Benefit for g.  fed costs) \$0 \$0 \$0 \$0 \$0

# **Effluent Limit Violation Table**

**Respondent:** City of Coolidge

ID Number(s): TPDES Permit No. WQ0014751001

**Docket Number:** 2012-0152-MWD-E **Enf. Coordinator:** Heather Brister **Corresponds to Violation Number:** 3

EFFLUENT PARAMETER								
	Permit Limit							
	5-Day Biochemical Oxygen Demand Daily Average Concentration 30 Milligrams per Liter	5-Day Biochemical Oxygen Demand Daily Average Loading 25 Pounds per Day						
Month/Year								
October 2010	35-33	c						
December 2010	37.50	152.00						

c = compliant



**Compliance History** 

Customer/Respondent/Owner-Operator:

CN600510598

City of Coolidge

Classification: AVERAGE

Rating: 2.03

Regulated Entity:

RN101919025

LAGOON WWTP

Classification: AVERAGE

Site Rating: 2.49

ID Number(s):

WASTEWATER WASTEWATER

EPA ID
PERMIT

TX0057045 WQ0014751001

WASTEWATER

EPA ID

TX0057045

Location:

Located 4,500 feet northeast of the intersection of Farm-to-Market Road 73 and Farm-to-

Market Road 1951 in Limestone County, Texas 76635

TCEQ Region:

**REGION 09 - WACO** 

Date Compliance History Prepared:

January 09, 2012

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

January 09, 2007 to January 09, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Heather Brister

Phone:

(254) 761-3034

### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

YES

2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3. If YES, who is the current owner/operator?

N/A

4. If YES, who was/were the prior owner(s)/operator(s)?

N/A

5. If YES, when did the change(s) in owner or operator occur?

N/A

6. Rating Date: 9/1/2011 Repeat Violator:

NO

### Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 06/29/2007

ADMINORDER 2006-1878-MWD-E

Classification: Major

Citation: 2D T

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter D 305.65

Description: Failed to submit a permit application and obtain authorization for the discharge of wastewater into or adjacent to water in the state after expiration of TPDES Permit No. 10496001.

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Limit. & Monitoring Req. No. 1 PERMIT

Description: Failed to comply with five-day BOD limit of 30 mg/L in the months of November 2005

through March 2006.

Effective Date: 10/02/2011

0/02/2011

ADMINORDER 2011-0665-MWD-E

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Monitor'g & Report'g Req. No. 1 & Sldg P PERMIT

Description: Failure to timely submit the DMRs for the monitoring periods ending January 31, 2010 through December 31, 2010 and the annual sludge report for the monitoring period ending July 31,

2010, as documented during a record review conducted on April 11, 2011.

- B. Any criminal convictions of the state of Texas and the federal government N/A
- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 02/22/2008 (617287)
  - 2 02/13/2007 (622147)
  - 3 03/14/2007 (622150)
  - 4 04/16/2007 (622153)
  - 5 07/16/2007 (622157)
  - 6 07/26/2007 (622160)
  - 7 09/11/2007 (622163) 8 09/28/2007 (622165)
  - 9 10/23/2007 (622168)
  - 10 12/03/2007 (622171)

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01/18/2007
                               (622172)
          11
               12/20/2007
          12
                               (622173)
               01/18/2007
                               (622175)
          13
               03/13/2008
                               (637206)
          14
                               (673948)
          15
               02/29/2008
          16
               02/06/2008
                               (673949)
          17
               07/23/2008
                               (692215)
          18
               07/30/2008
                               (713312)
               07/30/2008
                               (713313)
          19
          20
               07/30/2008
                               (713314)
                               (713315)
          21
               07/30/2008
                               (713316)
          22
               07/30/2008
          23
                               (713317)
               08/28/2008
          24
               01/20/2009
                               (752617)
          25
               01/20/2009
                               (752618)
                               (752619)
          26
               01/20/2009
          27
               01/30/2009
                               (752620)
          28
               05/14/2010
                               (827855)
          29
               06/07/2010
                               (832872)
          30
                06/07/2010
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                06/07/2010
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                               (832880)
          37
                06/07/2010
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                06/07/2010
                               (832881)
          39
                06/07/2010
                               (832882)
          40
                04/21/2011
                               (912360)
          41
                04/28/2011
                               (927143)
                               (927144)
          42
                04/28/2011
                               (927145)
          43
                04/28/2011
                               (927146)
          44
                04/28/2011
          45
                04/28/2011
                               (927147)
                04/28/2011
                               (927148)
          46
                               (927149)
          47
                04/28/2011
                04/28/2011
                               (927150)
          48
                               (927151)
                04/28/2011
          49
                               (927152)
          50
                05/18/2011
                               (927153)
          51
                05/18/2011
          52
                05/18/2011
                               (927154)
          53
                12/30/2011
                               (964646)
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
                                                              CN600510598
                               (622153)
         Date: 03/31/2007
                                                                                        Moderate
                                                                         Classification:
         Self Report? YES
         Citation:
                          2D TWC Chapter 26, SubChapter A 26.121(a)
                           30 TAC Chapter 305, SubChapter F 305.125(1)
                          Failure to meet the limit for one or more permit parameter
         Description:
                                                              CN600510598
                               (622168)
         Date: 09/30/2007
                                                                         Classification:
                                                                                        Moderate
                      YES
         Self Report?
                          2D TWC Chapter 26, SubChapter A 26.121(a)
         Citation:
                          30 TAC Chapter 305, SubChapter F 305.125(1)
                          Failure to meet the limit for one or more permit parameter
         Description:
                                                              CN600510598
         Date: 12/31/2007
                               (673949)
                                                                         Classification:
                                                                                        Moderate
         Self Report? YES
                          2D TWC Chapter 26, SubChapter A 26.121(a)
         Citation:
                          30 TAC Chapter 305, SubChapter F 305.125(1)
```

Failure to meet the limit for one or more permit parameter

E.

Description:

CN600510598 Date: 02/28/2010 (927144)

Moderate Classification: Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date: 05/14/2010 (827855)CN600510598

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Moderate Self Report? Classification: NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE

Description:

Description:

Moderate

Self Report? NO Classification:

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

NO Classification: Moderate Self Report?

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? Classification: Moderate NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Classification: Moderate Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Classification: Moderate Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Classification: Moderate Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? NO Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Date 10/31/2010

CN600510598

Self Report? YES

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 12/31/2010 Self Report?

(927154)

(927152)

CN600510598

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Environmental audits. F.

N/A

Type of environmental management systems (EMSs). G.

YES

N/A

Voluntary on-site compliance assessment dates.

H.

N/A N/A

Participation in a voluntary pollution reduction program. Ľ

N/A

Early compliance. J. Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ON
ALITY

### AGREED ORDER DOCKET NO. 2012-0152-MWD-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Coolidge ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located 4,500 feet northeast of the intersection of Farm-to-Market Road 73 and Farm-to-Market Road 1951 in Limestone County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 27, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Nineteen Thousand One Hundred Forty-Six Dollars (\$19,146) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Three Hundred

Seventeen Dollars (\$15,317) of the administrative penalty and Three Thousand Eight Hundred Twenty-Nine Dollars (\$3,829) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that by January 19, 2012 the Respondent implemented the following corrective measures at the Facility:
  - a. Installed an audio-visual alarm in the lift station; and
  - b. Submitted the Discharge Monitoring Reports ("DMRS") for the monitoring periods ending January 31, 2011 through September 30, 2011, to the TCEQ.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and (5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014751001, Operational Requirements No. 1, as documented during an investigation conducted on November 3, 2011. Specifically, the audio-visual alarm system at the lift station was not functional.
- 2. Failed to have an effective flow measuring device, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and (d) and TPDES Permit No. WQ0014751001, Operational Requirements No. 5, as documented during an investigation conducted on November 3, 2011.

Specifically, the Respondent was monitoring flow based on visual estimation of the water depth flowing from the end of the outfall pipe. The Facility has a rectangular weir, but does not have a staff gauge or a flow meter.

- 3. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on November 3, 2011. Specifically, the DMRs for the monitoring periods ending January 31, 2011 through September 30, 2011, were not submitted by the 20th day of the following month.
- 4. Failed to make records readily available for review by TCEQ staff, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and 319.7(c), and TPDES Permit No. WQ0014751001, Monitoring and Reporting Requirements No. 3.b, as documented during an investigation conducted on November 3, 2011.
- 5. Failed to maintain management records for all sludge removed from any wastewater treatment process, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014751001, Operational Requirements No. 11.f, as documented during an investigation conducted on November 3, 2011.
- 6. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0014751001, Operational Requirements No. 1, as documented during an investigation conducted on November 3, 2011. Specifically, vegetation was growing in the sludge drying beds.
- 7. Failed to submit the annual sludge report for the monitoring period ending July 31, 2011, by September 30, 2011, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0014751001, Sludge Provisions, as documented during a record review conducted on January 9, 2012.
- 8. Failed to employ or contract with a licensed operator, in violation of 30 Tex. Admin. Code §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0014751001, Other Requirements No. 1, as documented during an investigation conducted on November 3, 2011. Specifically, the operator's wastewater license expired on March 25, 2010, and he was operating the Facility.
- 9. Failed to maintain compliance with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014751001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on November 3, 2011, and as shown in the table below:

Perm it Lim it		
	5-Day Biochemical Oxygen Demand Daily Average Concentration 30 Milligrams per Liter	5-Day Biochemical Oxygen Demand Daily Average Loading 25 Pounds per Day
Month/Year		
October 2010	35.33	c
December 2010	37.50	152.00

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Coolidge, Docket No. 2012-0152-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Agreed Order, commence operating the Facility under the direct supervision of a properly licensed operator;
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Submit written certification of compliance with Ordering Provision No.
       2.a, in accordance with Ordering Provision No.
       2.e below;
    - ii. Update the Facility's operational guidance and conduct employee training to ensure timely submittal of signed and certified monthly DMRs and annual sludge reports, that records of monitoring activities and

management records, including inspection records and sludge removal manifests, are properly maintained and retained at the Facility, and that flow is monitored in a manner representative of the monitored activity;

- iii. Properly install a staff gauge or a flow measuring device;
- iv. Remove vegetation from the drying beds; and
- v. Submit the 2011 annual sludge report to:

Compliance Monitoring Team Enforcement Division, MC 224 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- c. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.b.ii through 2.b.v, in accordance with Ordering Provision No. 2.e below;
- d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014751001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitation, in accordance with Ordering Provision No. 2.e below; and
- e. The certification of compliance required by Ordering Provision Nos. 2.b.i, 2.c, and 2.d, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

City of Coolidge DOCKET NO. 2012-0152-MWD-E Page 6

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

City of Coolidge DOCKET NO. 2012-0152-MWD-E Page 7

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

# SIGNATURE PAGE

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Pandouid For the Executive Director	9/28/12 Date
For the Executive Director	Date
agree to the attached Agreed Order on behalf of	the attached Agreed Order. I am authorized to f the entity indicated below my signature, and I herein. I further acknowledge that the TCEQ, in aterially relying on such representation.
and/or failure to timely pay the penalty amount,	
<ul><li>A negative impact on compliance history;</li><li>Greater scrutiny of any permit application</li></ul>	ns submitted;
<ul> <li>Referral of this case to the Attorney G additional penalties, and/or attorney fees</li> </ul>	General's Office for contempt, injunctive relief, s, or to a collection agency;
<ul> <li>Increased penalties in any future enforcer</li> </ul>	
<ul> <li>and</li> <li>TCEQ seeking other relief as authorized b</li> </ul>	
In addition, any falsification of any compliance d	
Signature Frozer	<u> </u>
Name (Printed or typed)	Title
Authorized Representative of	
City of Coolidge	

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.